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2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 Higgins Family Trust,
7 Plaintiff,
8 v.
9 Debra Anne Haaland, et al.,
10 Defendants.

Case No. 2:24-cv-01664-CDS-DJA

Report and Recommendation

11 On September 12, 2024, the Court informed Plaintiff that, to initiate the action, Plaintiff
12 would have to either pay the filing fee or file an application to proceed *in forma pauperis*. (ECF
13 No. 3). It warned Plaintiff that “if Plaintiff does not file a fully complete application to proceed
14 *in forma pauperis* or pay the full \$405 filing fee for a civil action on or before **October 11, 2024**,
15 the Court will recommend dismissal of this action.” (*Id.* at 2). To date, Plaintiff has not filed
16 anything further in this action. The Court thus recommends that Plaintiff’s case be dismissed
17 without prejudice. A dismissal without prejudice allows Plaintiff to refile a case with the Court,
18 under a new case number.

19
20 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without
21 prejudice. The Clerk of Court is kindly directed to send this recommendation to Plaintiff.

22
23 **NOTICE**

24 Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be
25 in writing and filed with the Clerk of the Court within (14) days after service of this Notice. The
26 Supreme Court has held that the courts of appeal may determine that an appeal has been waived
27 due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142
28 (1985), *reh’g denied*, 474 U.S. 1111 (1986). The Ninth Circuit has also held that (1) failure to

1 file objections within the specified time and (2) failure to properly address and brief the
2 objectionable issues waives the right to appeal the District Court's order and/or appeal factual
3 issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991);
4 *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

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6 DATED: October 30, 2024



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE